

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TIM MCLANAHAN,

Plaintiff,

vs.

LARRY MCLANAHAN; MOSES LAKE
CLINIC; GRANT COUNTY MENTAL
HEALTH; MOSES LAKE POLICE
DEPARTMENT; and B.J. DIINING,

Defendants.

11-CV-380-EFS

**ORDER DISMISSING ACTION AND
IMPOSING LITIGATION BAR ON
PLAINTIFF**

I. AMENDED COMPLAINT

This matter comes before the Court on Plaintiff Tim McLanahan's Response to Order to Show Cause. ECF No. [6](#). Plaintiff filed the Complaint in this matter on October 6, 2011. ECF No. [1](#). On October 13, 2011, after screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, the Court found that while the Complaint in this matter stated a plausible claim for relief, the Complaint did not comprise a short and plain statement showing that Mr. McLanahan was entitled to relief. ECF No. [5](#). The Court granted Mr. McLanahan leave to file an amended complaint by December 12, 2011, sixty (60) days after the entry of the Court's Order. [Id.](#) at 5-6. As of December 16, 2011, Mr. McLanahan has

not filed an amended complaint. As such, the Court dismisses the Complaint in this matter for failure to state a claim on which relief can be granted. See 28 U.S.C. § 1915(e)(2) ("[T]he court shall dismiss the case at any time if the court determines that . . . (B) the action or appeal . . . (ii) fails to state a claim on which relief may be granted."); see also ECF No. [5](#) at 6 ("PLAINTIFF IS CAUTIONED THAT IF HE FAILS TO AMEND WITHIN 60 DAYS AS DIRECTED, THE COURT WILL DISMISS THE COMPLAINT FOR FAILURE TO STATE A CLAIM UNDER 28 U.S.C. § 1915(e)(2)(B)(ii).") (emphasis in original)).

II. LITIGATION BAR

The Court's October 13, 2011 Order also dismissed seventeen (17) other Complaints filed by Mr. McLanahan, pursuant to the Court's obligation to screen complaints under § 1915A. Because the Court dismissed sixteen of those actions as frivolous,¹ the Court gave Mr. McLanahan notice that it was considering imposing a one-year bar against the filing of any action against any of the Defendants named in those lawsuits, and required Mr. McLanahan to show cause within thirty (30) days why such an Order should not issue. On November 15, 2011, Mr. McLanahan filed a Response to Order to Show Cause. ECF No. [6](#).

The Court has carefully considered the eighty-eight (88) page response filed by Mr. McLanahan. *Id.* It is clear that Mr. McLanahan feels aggrieved and has taken considerable time to outline his grievances as best he can. However, these generalized grievances, while disturbing to Mr. McLanahan, do not support his continued filing of lawsuits as to

¹ A seventeenth action, *McLanahan v. Cottonwood Kennels*, CV-11-370-EFS, was dismissed for lack of jurisdiction. ECF No. [5](#) at 3.

1 those Defendants in cases which the Court has dismissed. Accordingly,
2 the Court is convinced that it is proper to impose a litigation bar
3 enjoining Mr. McLanahan from filing any action against any of the named
4 Defendants in the following actions: 11-CV-3087-EFS; 11-CV-3097-EFS; 11-
5 CV-370-EFS; 11-CV-371-EFS; 11-CV-374-EFS; 11-CV-375-EFS; 11-CV-376-EFS;
6 11-CV-377-EFS; 11-CV-379-EFS; 11-CV-380-EFS; 11-CV-381-EFS; 11-CV-382-
7 EFS; 11-CV-383-EFS; 11-CV-388-EFS; 11-CV-391-EFS; 11-CV-392-EFS; 11-CV-
8 393-EFS; and 11-CV-398-EFS.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. This action is **DISMISSED**.

11 2. **Judgment** shall be entered in Defendants' favor without
12 prejudice.

13 3. **Mr. McLanahan is hereby PROHIBITED for one year from filing any**
14 **lawsuit against any of the Defendants named in the following actions:** 11-
15 CV-3087-EFS; 11-CV-3097-EFS; 11-CV-370-EFS; 11-CV-371-EFS; 11-CV-374-EFS;
16 11-CV-375-EFS; 11-CV-376-EFS; 11-CV-377-EFS; 11-CV-379-EFS; 11-CV-380-
17 EFS; 11-CV-381-EFS; 11-CV-382-EFS; 11-CV-383-EFS; 11-CV-388-EFS; 11-CV-
18 391-EFS; 11-CV-392-EFS; 11-CV-393-EFS; and 11-CV-398-EFS. The Clerk's
19 Office is directed to refuse filings from Mr. McLanahan against any of
20 the Defendants in the above-mentioned actions.

21 **IT IS SO ORDERED.** The District Court Executive is directed to
22 provide a copy of this Order to Mr. McLanahan at his last known address.

23 **DATED** this 19th day of December 2011.

24 s/ Edward F. Shea

25 EDWARD F. SHEA

26 United States District Judge

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